

Environment and Waste Management Law

Capability Statement



The environment is a serious business...

Over the last 15 years businesses involved in the waste management industry or with waste production or handling issues, have faced a growing body of environmental regulation, much of which has emanated from the European Union.

Similarly, organisations operating potentially polluting activities or owning or occupying brownfield sites face the risk of unexpected costs and liabilities associated with the clean-up of contaminated soil, the remediation of groundwater or the restoration of damaged ecosystems.

This area of law is becoming ever more complex in relation to, for example, restrictions on disposal of hazardous and other categories of waste, permitting requirements and planning permissions. Many corporate environmental offences are often based on strict liability, with possible unlimited fines, clean-up costs and criminal convictions for directors and managers. Environmental pollution can also lead to civil claims in nuisance or negligence.

What we can do for you

Manches' environmental and waste management law team brings a fresh and innovative approach to helping clients from a wide range of business sectors, including waste management, chemical production, manufacturing and engineering, technology, banking, retail, property development, property investment, warehouse and distribution operations, housing, construction and minerals.

In addition to the full range of commercial and dispute-related advice, we regularly defend clients against cases of potential or actual breaches of pollution or waste management legislation, prosecuted by the Environment Agency or local authorities. We also advise on environmental due diligence, warranties, disclosures and indemnities in relation to business fundings, sales or acquisitions.

In particular, we are often called upon to assess the risks of liability for the clean-up of contaminated land in property and funding transactions. This includes structures involving escrow accounts for remediation funds, liability agreements pursuant to the Environmental Protection Act 1990, indemnities relating to potential remediation liabilities, warranty deeds from environmental consultants, and environmental indemnity insurance relating to contaminated land.

We can advise you on:

- Hazardous substances
- Contaminated land
- Warranties and indemnities
- Waste and landfill management
- PPC permits
- Parliamentary lobbying
- European law
- Investigations and defence from potential prosecutions
- Water pollution
- Planning and land development
- Corporate compliance
- Environmental taxation
- Producer responsibility
- Lender liability
- Environmental due diligence

Why use Manches for legal advice?

- Manches is a leading UK law firm offering comprehensive legal services in key industry sectors.
- The firm has a distinguished reputation for delivering an outstanding service and clear, unequivocal advice.
- There are over 170 lawyers in three key locations in the heart of the Thames Valley and London.
- Our lawyers will work for you as a team, matching the right skills to the right task. In each practice area there are specialists who are leaders in their fields as recognised by the legal media.

“With bags of initiative and the ability to convey complicated issues in easily comprehensible terms, this environment practice attracts clients with its breadth of expertise in regulatory issues, from land contamination and the use of hazardous substances to waste management regulations. Commentators highlight the team’s grasp of the key business implications at stake in a case or transaction, ensuring that clients are aware of all the risks involved. It is these capabilities that lead to the environment team’s involvement in work containing environmental liabilities undertaken by the firm’s property and corporate groups. Other recent work highlights demonstrate the team’s expert handling of waste management concerns. Lead partner Richard Smith ‘is an outstanding communicator with an analytical mind and the ability to present solutions both clearly and thoroughly,’ say market sources.”
Chambers & Partners UK 2009

“Manches provides British Salt with a first class legal service and we have no hesitation in recommending them.”
Rob Jones, Managing Director, British Salt

...so seek high quality but cost-effective legal advice

Examples of our innovative approach

Waste management project

As a result of taking a firm stance in negotiations, we helped one of the waste management sector partners in a joint venture achieve beneficial terms in a contract with a contractor for the construction of a clinical waste incinerator and an energy-from-waste facility.

New waste and environmental tax legislation

By working closely with clients in the chemical and minerals industry and their political consultants, we helped to persuade the government of the need to amend legislation relating to the Landfill Tax. This resulted in our clients saving over £1m of tax each year and avoided a situation which could have forced the closure of their business and a loss of hundreds of jobs. Our work included meetings with the Secretary of State for the Environment, attending Select Committee proceedings in the House of Commons and drafting new legislation for inclusion in the Finance Bill.

Challenging the Environment Agency

An international chemicals company sought our advice on a legal challenge against the Environment Agency's imposition of onerous permit conditions under the Pollution Prevention and Control regime and we used our experience of environmental policy to guide our client through negotiations with the EA to a successful outcome.

We advised on a claim against Malthurst (UK) Limited (which owns a portfolio of petrol filling stations and associated facilities) alleging ground contamination of an adjacent site due to petrochemical pollution. The claim was successfully defeated by forensic examination of detailed site surveys to prove that the contamination was not caused by our client's activities.

A complex brownfield development scheme

In order to provide a solution to a client's complex land reclamation problem concerning a 60 acre waste site, we negotiated an Option Agreement. This included provisions for the surrender of a waste management licence, using the land remediation tax allowance scheme to fund the clean-up and provide protection against contaminated land liabilities through environmental indemnities and environmental liability insurance.

Minimising landfill financial provision

As a result of close consultation with the Environment Agency together with an in-depth understanding of waste management regulations, we helped a client reduce a potential financial provision liability of £4.5m to £75,000 in connection with the transfer of a waste management licence resulting from the sale and purchase of the assets of their business.

Avoiding contaminated land liabilities

Our advice to a major food distributor on contaminated land liability, environmental insurance and transactional indemnities helped secure the sale of a previous gas works site to a developer.

Waste and pollution regulations

We have helped various clients understand their waste recycling obligations and defended prosecutions by the Environment Agency and local authorities relating to packaging waste regulations, water pollution, air pollution and breaches of the 'duty of care' relating to the management and handling of waste.

Defending prosecutions

By gathering the appropriate evidence and taking a firm stance with the Environment Agency, we managed to avoid the personal prosecution of a managing agent from a leading firm of surveyors. This resulted from charges brought by the Environment Agency in relation to the pollution of a watercourse from effluent discharged from an industrial estate.

Groundwater remediation

We worked with a multi-national motor industry client on a strategic approach to minimising the cost of a long-term groundwater remediation scheme. Here we obtained a release from environmental indemnity liabilities relating to the purchase of land and helped ensure that any residual liabilities were covered by an environmental liability insurance policy.

Underground waste disposal

Through our knowledge and experience of planning and waste management law we helped a US client persuade the Environment Agency and the Local Planning Authority of the merits of a project involving the disposal of hazardous waste materials into underground brine cavities in a North East coastal location.



Our clients

- Aptuit
- British Energy Group plc
- British Geological Survey
- British Salt
- Brunner Mond
- Cephalon Inc.
- DAF Trucks
- Frontier Estates
- General Motors Corporation
- Grondon Waste Management Company
- Guinness Peat Group plc
- Hartwell plc
- HSBC Bank
- London Underground
- Malthurst (UK) Limited
- Research Machines
- Siemens
- Staveley Industries
- Swan Housing Group
- The Science and Technology Facilities Council
- The Sunlight Service Group
- WH Smith



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The Environmental Law team is led by Richard Smith.

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Manches is a leading law firm in Oxford, Reading and London. We advise clients on all areas of business law, including property, corporate, commercial litigation and dispute resolution, employment, intellectual property and technology law.

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